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NASA Policy Directive

NPD 2092.1CEffective Date: September 13, 2014
Expiration Date: September 13, 2019**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Request Notification of Change (NASA Only)

Subject: Royalties or Other Payments Received by NASA from the Licensing or Assignment of Inventions

Responsible Office: Office of the General Counsel

1. POLICY

It is NASA's policy to:

- a. Share with NASA employees making inventions, and non-NASA inventors that directly assign their interest in inventions to NASA, a percentage of any royalties or other payments received by NASA from the licensing or assignment of such inventions. The remainder of the royalties or other payments, after payment to the employee or other individual inventors, shall be made available to the NASA Center(s) where the inventions were made.
- b. Utilize the royalties or other payments remaining after payment to the persons specified in Section 1.a. for the following purposes: to pay expenses incidental to the administration and licensing of inventions; to further scientific exchange among the laboratories of the Agency; to conduct scientific research and development consistent with missions of the Agency; to educate and train employees consistent with the mission of the Agency, and for other activities that increase the potential for transfer of Agency technology; or to reward scientific, engineering, and technical employees of the laboratory, including developers of sensitive or classified technology, regardless of whether the technology has commercial applications.
- c. Fully utilize the royalties or other payments generated from the licensing of inventions made by a contractor(s) or grantee(s) where the title to such inventions has been assigned to or otherwise is vested in NASA (other than by individuals directly assigning their interest in an invention to the Government).

2. APPLICABILITY

- a. This Directive is applicable to NASA Headquarters and NASA Centers, including Component Facilities and Technical and Service Support Centers.
- b. This Directive applies to royalties or other payments received by NASA from the licensing or assignment of an invention owned in whole or in part by NASA. Such invention may be made in whole or in part by (1) a NASA employee, (2) an employee of another Government agency where such invention is assigned to NASA, (3) an individual directly assigning his or her interest in an invention to the Government, and (4) an employee of a NASA contractor or grantee where the title to such inventions has been assigned to NASA by the contractor or grantee or has otherwise vested in NASA.
- c. This Directive also applies to royalties or other payments received by NASA from the licensing or assignment of an invention made by an employee, contractor, or grantee of another Government agency from which custody and administration of the invention has been transferred to NASA, pursuant to 35 U.S.C. 207, unless otherwise agreed between NASA and the transferring agency.
- d. The term "royalties or other payments," means any money, including running royalties, alternate or periodic minimum royalties, and licensing or assignment fees, other than payments of patent costs and costs for maintaining a patent, received by NASA for granting a license or assignment in an invention.

3. AUTHORITY

- a. Distribution of royalties received by Federal agencies, 15 U.S.C. § 3710c.
- b. Property rights in inventions, 51 U.S.C. § 20135.
- c. Patent Rights in Inventions Made with Federal Assistance, 35 U.S.C. § 200 et seq.

4. APPLICABLE DOCUMENTS AND FORMS

- a. NPD 2091.1 Inventions Made by Government Employees.
- b. NPR 2092.1, Distribution of Royalties or Other Payments Received by NASA from the Licensing or Assignment of Inventions.

5. RESPONSIBILITY

- a. The Director, Technology Transfer Program Office, or designees, is responsible for overall management of this policy.
- b. The NASA General Counsel, or designees, (the Agency Counsel for Intellectual Property and the Center Patent Counsels) are responsible for developing the Agency's policy and procedures and for providing legal oversight regarding royalties and other payments due from the licensing of inventions.
- c. The NASA Chief Financial Officer or designee, is responsible for the following:
 - (1) Establishing and maintaining a system for the receiving, accounting, depositing, and distributing of royalties and other payments received from the licensing and assignment of inventions.
 - (2) Notifying the Center Directors, Director of the NASA Management Office; and the Executive Director of the Office of Headquarters Operations, of the amount of royalties and other payments available for distribution to the Centers and informing the Office of the General Counsel and the Chair of the Inventions and Contribution Board of the distributions.
- d. Center Directors, Director of the NASA Management Office; and the Executive Director of the Office of Headquarters Operations are responsible for the following:
 - (1) Ensuring that all royalties and other payments available for distribution to their Centers are used and obligated.
 - (2) Keeping the Associate Administrator informed as necessary.
- e. Each inventor is responsible for keeping NASA apprised of his or her current address.

6. DELEGATION OF AUTHORITY

None.

7. MEASUREMENT/VERIFICATION

None.

8. CANCELLATION

NPD 2092.1B, Royalties and Other Payments Received by NASA from the Licensing or Assignment of Inventions, dated August 12, 2008.

/s/ Charles F. Bolden
Administrator

ATTACHMENT A: (TEXT)

None.

(URL for Graphic)

None.

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